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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 000713

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TAGS: [PHUM](#) [KDEM](#) [PGOV](#) [PREL](#) [AJ](#)
SUBJECT: AZERBAIJAN'S PARLIAMENTARY RERUN ELECTIONS SHOW
PROGRESS IN SOME AREAS

REF: BAKU 710

Classified By: CDA JASON HYLAND FOR REASONS 1.4 B AND D.

11. (C) SUMMARY: Azerbaijan,s May 13 rerun of ten parliamentary races was marked by calm, orderly voting and a relatively clean and transparent vote count. International observers -- including the OSCE/ODIHR Limited Election Observation Mission and the Parliamentary Assembly of the Council of Europe (PACE) -- agreed that the technical process of voting and ballot counting was an improvement over the November 2005 parliamentary election. Results from the USG-funded exit poll mirrored the official results in all ten districts. Domestic observers turned out in full force, with an average of 20 in most polling stations. Invisible finger-ink, an anti-fraud measure, was used with improved efficiency. However, the election process in Azerbaijan continues to be marred by government interference in the pre-election period, problems in the composition and efficacy of election commissions, and limited instances of carousel-voting and election-day fraud. The Central Election Commission received 15 complaints on election day, all of which it has either dismissed or sent to relevant bodies for further investigation. We expect that more complaints will be filed; the CEC will deal with the complaints during meetings this week. The ruling Yeni Azerbaijan Party won five seats; independents won three; the pro-government Vetendash party won one; and the opposition Adalat Party also won one seat. END SUMMARY.

12. (SBU) Following a calm and orderly balloting process on May 13 (reftel) that attracted voter turnout of 36 percent, vote counting throughout Azerbaijan was largely clean and transparent. Comparing notes on May 14, observers from the US, UK, Norwegian and German embassies reported that the vote count appeared to generally match the actual ballots cast. Precinct members followed procedures for tabulating votes, counting ballots individually and aloud and allowing observers to become familiar with final voter lists and ballots. While some international observers reported lengthy delays in the preparation of final protocols, the protocols submitted by the precinct election commissions (PECs) to the constituency election commissions (ConEcs) in the end reflected the vote count itself. International observers agreed that the vote count was an improvement over the flawed November 2005 elections. The Parliamentary Assembly of the Council of Europe (PACE) issued a May 14 statement citing "some progress" in the conduct of the election, a public stance that surprised many local observers since PACE is seen as especially critical of the GOAJ's human rights and democracy record.

13. (SBU) USG observers noted in several cases that PECs consulted with the ConEcs before completing the final

protocols and in one Baku constituency, a PEC member improperly entered a draft protocol into the ConEc's computer. However, the numbers given to the ConEc were the same as what had been counted earlier in the evening. The only serious problem noted by USG observers was in an Aghdam (ConEc 119) Internally Displaced Person (IDP) constituency polling station, where numerous irregularities led to a total lack of confidence in the integrity of that polling station's results. However, in comparison with the reports received from the November election, observers reported far fewer serious irregularities in the vote count on May 13. We also note that on election day, when we alerted the Central Election Commission to irregularities, it quickly dispatched a team to the site.

14. (SBU) At an OSCE member states' briefing held by ODIHR on May 15, Head of Mission Ambassador Geert Ahrens noted improvements over November in the campaign and the rights of domestic observers, but noted continuing concerns over the composition of election commissions, the complaints and appeals process at both election commissions and the courts, interference by authorities, and the vote count. Ahrens also commented that, contrary to his earlier position, he decided to issue a public statement (sent by email to EUR) which noted "improvements in some aspects of the process" while highlighting "... issues of continued concern that underscore the need for ongoing electoral reform." The ODIHR core team noted specific election day problems of observer intimidation, illegal videotaping of voting, and ConEcs not checking PEC balloting materials upon delivery on election night. The British Embassy and ODIHR also noted evidence of successful but suspect "get out the vote" campaigns in several constituencies, which led to abnormally high turnout. However, the general consensus among the members of the

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internationally community who observed appeared to be that the actual conduct of election day was an improvement, as the number of serious irregularities appeared to be low.

15. (SBU) While the technical process of balloting and the vote count appears to be an improvement over previous election days, problems persisted in the pre-election period and on election day itself. There were credible reports of interference by local government authorities (ExComs) into the campaign, despite indications the president had warned ExComs to desist this behavior. The composition of the election commissions continues to be of concern, particularly as none of the major opposition parties is currently represented, either because it has refused to nominate candidates (Musavat) or is not represented in Parliament (Popular Front, Azerbaijan Democratic Party, and Azerbaijan National Independence Party). This situation is unlikely to change following the May elections. On election day, allegations of mobile ballot box fraud and carousel-voting emerged in Zaqatala, Jalilabad, and Sumgayit. Throughout the country, disputes emerged between domestic observers and precinct election officials over the appropriate role of observers. In some cases, observers were thrown out of polling stations and briefly detained. Additionally, the complaints process has continued to be a problem, as election commissions so far have failed to transparently consider complaints in a timely manner.

16. (U) May 13's rerun election added to the ruling Yeni Azerbaijan Party's (YAP) majority in parliament. YAP won five seats, bringing its total MPs to 68. Independents won three seats, the pro-government Vetendash party won one seat, and Ilyas Ismayilov, founder of the opposition Adalat (Justice) party won his western Azerbaijan district. Neither Musavat nor ANIP, the only major opposition parties to field candidates, won new mandates. There were allegations of serious fraud in the Zaqatala district where Musavat Deputy Arif Hajili was running; Musavat has been quiet, however, other than to say it does not accept the results of the election and that the fraud was as pervasive as in November.

While the party will file complaints and appeals to election commissions and the courts, its further steps will not be known until after the party leadership meeting, late on May 15. The USG-funded exit poll, conducted by IRI, confirmed the victories in all races, although differences exist in the margin of victory in several races.

COMMENT

17. (C) In the run-up to the May 13 rerun elections, the GOAJ repeatedly told us that these elections would be an improvement. We agree that there was some progress, and although the opposition will continue to insist that the entire election was fraudulent, most international observers noticed improvements, particularly in the technical process of balloting and vote-counting. However, problems in the pre-election period -- including government interference in the electoral process and use of administrative resources to support certain candidates -- indicate lingering systemic problems that must be addressed. There is still a lot of work that must be done to ensure truly free and fair elections in Azerbaijan. Implementation of the Venice Commission and ODIHR recommendations on electoral reform is an important first step; strengthening civil society and educating voters are longer-term needs that we are working to address through USAID programs. We strongly recommend issuing a press statement noting progress made in the May 13 rerun elections, welcoming specific aspects of the process and identifying problem areas.

HYLAND